

**SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 12, 2004**

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Henbest. Total -- 1.
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Cassie Beck, Page.

Approval of Journal

March 12, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixtieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

March 11, 2004

Mr. Speaker:

I transmit herewith enrolled **S 1234**, as amended, **S 1240**, **S 1241**, **S 1242**, **S 1250**, **S 1251**, **S 1263**, **S 1274**, **S 1281**, **S 1291**, **S 1299**, **S 1306**, **S 1318**, and **S 1320** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1234**, as amended, **S 1240**, **S 1241**, **S 1242**, **S 1250**, **S 1251**, **S 1263**, **S 1274**, **S 1281**, **S 1291**, **S 1299**, **S 1306**, **S 1318**, and **S 1320** and, when so signed, ordered them returned to the Senate.

March 11, 2004

Mr. Speaker:

I return herewith enrolled **HCR 51** and **HCR 47** which have been signed by the President.

WOOD, Secretary

Enrolled **HCR 51** and **HCR 47** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 11, 2004

Mr. Speaker:

I return herewith **HCR 49** and **HCR 46** which have passed the Senate.

WOOD, Secretary

HCR 49 and **HCR 46** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 12, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 542**, **H 551**, **H 553**, **H 561**, **H 562**, **H 534**, **H 546**, **H 547**, **H 548**, **H 533**, **H 484**, **H 485**, **H 483**, **H 486**, **H 505**, **H 506**, **H 522**, **H 523**, **H 607**, **H 509**, **H 535**, **H 536**, **H 588**, **H 610**, **H 554**, **H 567**, **H 601**, **H 605**, **H 611**, **H 493**, **H 489**, **H 491**, **H 494**, **H 497**, **H 490**, **H 492**, **H 496**, **H 518**, **H 537**, **H 538**, and **H 480**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 542**, **H 551**, **H 553**, **H 561**, **H 562**, **H 534**, **H 546**, **H 547**, **H 548**, **H 533**, **H 484**, **H 485**, **H 483**, **H 486**, **H 505**, **H 506**, **H 522**, **H 523**, **H 607**, **H 509**, **H 535**, **H 536**, **H 588**, **H 610**, **H 554**, **H 567**, **H 601**, **H 605**, **H 611**, **H 493**, **H 489**, **H 491**, **H 494**, **H 497**, **H 490**, **H 492**, **H 496**, **H 518**, **H 537**, **H 538**, and **H 480**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 12, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 524**, as amended in the Senate.

FIELD(18), Chairman

H 524, as amended in the Senate, was filed for first reading of engrossed bills.

March 12, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 500**, as amended in the Senate, to the Governor at 10:41 a.m., as of this date, March 11, 2004.

FIELD(18), Chairman

March 11, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 798** and report it back with amendments attached to be placed on General Orders for consideration.

DEAL, Chairman

H 798 was placed on General Orders for consideration.

March 10, 2004

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **S 1283** and recommend that it do pass.

SALI, Chairman

S 1283 was filed for second reading.

March 11, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 817** and recommend that it do pass.

BLACK, Chairman

H 817 was filed for second reading.

March 11, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **S 1289** and recommend it be referred to the Health and Welfare Committee.

BLACK, Chairman

S 1289 was referred to the Health and Welfare Committee.

March 11, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1262**, as amended, **S 1379**, **S 1394**, and **S 1407** and recommend that they do pass.

FIELD(18), Chairman

S 1262, as amended, **S 1379**, **S 1394**, and **S 1407** were filed for second reading.

March 12, 2004

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1353** and recommend that it do pass.

BARRACLOUGH, Chairman

S 1353 was filed for second reading.

March 12, 2004

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1323** and report it back with amendments attached to be placed on General Orders for consideration.

BARRACLOUGH, Chairman

S 1323 was placed on General Orders for consideration.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 835 BY BUSINESS COMMITTEE

AN ACT

RELATING TO PROMPT PAYMENT OF CLAIMS; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 56, TITLE 41, IDAHO CODE, TO DEFINE TERMS, TO REQUIRE THE PROMPT PAYMENT OF CLAIMS, TO PROVIDE FOR INTEREST PAYMENTS, TO PROVIDE THAT INSURERS ARE NOT REQUIRED TO ACCEPT AN ASSIGNMENT OF PAYMENT, TO PROVIDE EXCEPTIONS AND TO PROVIDE PENALTIES; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR APPLICATION.

H 835 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

First Reading of Engrossed Bills

H 524, as amended in the Senate, by Business Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

S 1311 and **S 1275**, by Transportation Committee, were read the second time by title and filed for third reading.

SJM 109, by State Affairs Committee, was read the second time by title and filed for third reading.

H 757, as amended, by State Affairs Committee, was read the second time by title and filed for third reading.

H 760, as amended, **H 761**, as amended, and **H 809**, as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

H 816, as amended, and **HJM 23**, as amended, by Ways and Means Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that House bills be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

H 828 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

Mr. Collins asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 828**. There being no objection, it was so ordered.

The question being, "Shall **H 828** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Barraclough, Bedke, Clark, Cuddy, Henbest, Moyle. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 828** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 830 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block to open debate.

The question being, "Shall **H 830** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Harwood, McGeachin, McKague, Ringo. Total -- 5.

Absent and excused -- Cuddy, Henbest, Roberts. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 830** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

HJM 25 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sali to open debate.

The question being, "Shall **HJM 25** be adopted?"

Whereupon the Speaker declared **HJM 25** adopted by voice vote and ordered the memorial transmitted to the Senate.

H 747 was read the third time at length, section by section,

and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 747** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bedke, Black, Block, Boe, Cannon, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Jaquet, Jones, Langford, Langhorst, Martinez, McKague, Miller, Moyle, Nielsen, Pasley-Stuart, Raybould, Ring, Ringo, Robison, Rydalch, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 46.

NAYS -- Bauer, Bayer, Bolz, Bradford, Campbell, Clark, Collins, Cuddy, Gagner, Harwood, Kellogg, Kulczyk, Lake, Meyer, Mitchell, Naccarato, Ridinger, Roberts, Sali, Sayler. Total -- 20.

Absent and excused -- Bell, Henbest, McGeachin, Stevenson. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 747** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 803 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall **H 803** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bell, Henbest, McGeachin, Shirley, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 803** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 812 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 812** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Saylor, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Bell, Bradford, Henbest, McGeachin, Shirley, Stevenson. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 812** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

HJM 24 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts and Mr. Cuddy to open debate.

The question being, "Shall **HJM 24** be adopted?"

Whereupon the Speaker declared **HJM 24** adopted by voice vote and ordered the memorial transmitted to the Senate.

H 811 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

Ms. Jaquet asked unanimous consent that, pursuant to Rule 22, discussion of **H 777** be allowed in the debate of **H 811**. There being no objection, it was so ordered.

The question being, "Shall **H 811** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McKague, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Saylor, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Harwood, Meyer, Wood. Total -- 4.

Absent and excused -- Black, Bradford, Henbest, McGeachin.

Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 811** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

At this time, Mr. Denney took the Chair.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Speaker moved that all rules of the House interfering with the immediate consideration of **H 757**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 757**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Lake, Langford, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Saylor, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Bayer, Bradford, Henbest, Kulczyk, Langhorst, McGeachin, Nielsen. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 757**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Gagner to open debate.

The question being, "Shall **H 757**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark,

Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Langford. Total -- 1.

Absent and excused -- Bradford, Henbest, McGeachin. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 757**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 760**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 760**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Lake, Langford, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Bayer, Bradford, Henbest, Kulczyk, Langhorst, McGeachin, Nielsen. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 760**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **H 760**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- Henbest, Lake. Total -- 2.

Absent and excused -- Bradford, McGeachin, Smith(24). Total -- 3.

Paired Vote:

AYE -- Wood. NAY -- Henbest.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 760**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 761**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 761**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Lake, Langford, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Bayer, Bradford, Henbest, Kulczyk, Langhorst, McGeachin, Nielsen. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 761**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **H 761**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- Clark, Harwood, Henbest, Lake, McKague, Smith(24). Total -- 6.

Absent and excused -- McGeachin. Total -- 1.

Paired Vote:

AYE -- Wood. NAY -- Henbest.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 761**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 816**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 816**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Lake, Langford, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Bayer, Bradford, Henbest, Kulczyk, Langhorst, McGeachin, Nielsen. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 816**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Speaker to open debate.

The question being, "Shall **H 816**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Henbest, McGeachin, Mitchell, Smith(24), Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 816**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **HJM 23**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HJM 23**, as amended, be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Lake, Langford, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Bayer, Bradford, Henbest, Kulczyk, Langhorst, McGeachin, Nielsen. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HJM 23**, as amended, was read the first time by title, second time by title, and third time at length, and placed before the House for final

consideration.

At this time, the Speaker Pro Tem recognized Mr. Speaker to open debate.

The question being, "Shall **HJM 23**, as amended, be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydallch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Boe, Douglas, Henbest, Langhorst, Pasley-Stuart, Ringo, Robison, Sayler. Total -- 8.

Paired Vote:

AYE -- Bauer. NAY -- Henbest.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **HJM 23**, as amended, adopted and ordered the memorial transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 809**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 809**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Lake, Langford, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Bayer, Bradford, Henbest, Kulczyk, Langhorst, McGeachin, Nielsen. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than

two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 809**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Moyle to open debate.

The question being, "Shall **H 809**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Henbest, Kellogg, Ringo, Trail. Total -- 4.

Paired Vote:

AYE -- Wood. NAY -- Henbest.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 809**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

S 1430 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **S 1430** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ring, Roberts, Rydallch, Sali, Schaefer, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Wills, Wood, Mr. Speaker. Total -- 51.

NAYS -- Andersen, Boe, Cuddy, Douglas, Henbest, Jaquet, Langhorst, Martinez, Mitchell, Naccarato, Pasley-Stuart, Ridinger, Ringo, Robison, Sayler, Shepherd, Smith(30), Trail. Total -- 18.

Absent and excused -- Stevenson. Total -- 1.

Paired Vote:

AYE -- Bauer. NAY -- Henbest.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1430** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1431 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bedke to open debate.

Mr. Bedke asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1431**. There being no objection, it was so ordered.

Pursuant to Rule 38(3), Mr. Andersen disclosed a conflict of interest regarding **S 1431**.

Pursuant to Rule 38(3), Mr. Snodgrass disclosed a conflict of interest regarding **S 1431**.

Pursuant to Rule 38(3), Mr. Smylie disclosed a conflict of interest regarding **S 1431**.

The question being, "Shall **S 1431** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Cannon, Clark, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Lake, Langford, McGeachin, McKague, Meyer, Moyle, Nielsen, Raybould, Ring, Roberts, Rydalch, Sali, Skippen, Stevenson, Wills, Wood, Mr. Speaker. Total -- 41.

NAYS -- Andersen, Boe, Cuddy, Douglas, Eberle, Edmunson, Henbest, Jaquet, Jones, Kulczyk, Langhorst, Martinez, Miller, Mitchell, Naccarato, Pasley-Stuart, Ridinger, Ringo, Robison, Saylor, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Trail. Total -- 28.

Absent and excused -- Campbell. Total -- 1.

Paired Votes:

AYE -- Bauer. NAY -- Henbest.

AYE -- McKague. NAY -- Boe.

AYE -- Roberts. NAY -- Smith(24).

AYE -- Harwood. NAY -- Naccarato.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1431** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until

Monday, March 15, 2004. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Monday, March 15, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 1:26 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk